

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
) Case No. 3:11CR152-MOC
v.)
)
CRAIG ALLEN RODGERS)

UNITED STATES' MOTION FOR ORDER
REQUIRING FBI TO DELIVER FORFEITED FUNDS AND MOTION FOR ORDER TO
DISBURSE THESE FUNDS TO VICTIM

Pursuant to 18 U.S.C. § 982, the United States of America, by and through the United States Attorney for the Western District of North Carolina, moves the Court for an Order requiring the Federal Bureau of Investigation ("FBI") to deliver to the United States District Court of Clerk monetary funds seized from the defendant during his May 14, 2011 arrest in this case. In paragraph 9(f) of the Plea Agreement (Document 11), the defendant agreed to the forfeiture of one thousand one hundred and thirty-seven dollars (\$1,137.00). The United States further moves the Court for an Order directing the Clerk to disburse the funds for immediate payment to victim "J.M." In support of this motion, the United States respectfully submits the following:

At the time of his arrest, the FBI seized \$1,137.00 from the defendant at the time of his arrest, and this agency still possesses this money. On May 19, 2011, the defendant was named in a two-count Bill of Indictment (Document 5) charging him with sex trafficking (18 U.S.C. § 1591(a)) and interstate transportation of a person for sexual purposes (18 U.S.C. § 2421). On September 2, 2011, the defendant entered a guilty plea to Count Two in the indictment, and under the terms of the plea agreement he forfeited his rights to the United States currency he possessed at the time of his arrest. 18 U.S.C. § 982 provides for the forfeiture of criminal proceeds, and the defendant agreed to this forfeiture in paragraph 9(f) of the Plea Agreement.

At the defendant's July 25, 2012, sentencing a discussion occurred over the better method (whether by judgment or administratively) of transferring the funds from the FBI to the victim, and it now appears that the instant motion is the best means.

The financial unit of the United States District Clerk of Court's Office has advised the government that it would be their preference to have the Court issue an order directing the Clerk of Court to disburse payment of these funds.

CONCLUSION

Based on the above, the United States respectfully requests that the Court issue an Order directing the FBI to deliver to the United States District Clerk of Court the sum of \$1,137.00 seized from the defendant to be applied towards the criminal forfeiture in this case. The United States further requests the Court issue an order directing the United States District Clerk of Court to disburse these funds upon entry of the judgment in accordance with the terms of the same.

Respectfully submitted this 24th day of September, 2012.

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CERTIFICATE OF SERVICE

I certify that on the 24th day of September, 2012, the United States' Motion for Order Requiring FBI to Deliver Forfeited Funds and Motion for Order to Disburse These Funds to the Victim and proposed Order were served upon the party listed below by electronic mail as follows:

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